

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OHIO NATIONAL LIFE ASSURANCE
CORPORATION,
Plaintiff

V.

TRICIA JEAN MURPHY, LYNN ANN
POWERS, MARK ASHLEY WOOD, PENNY
JEAN WOOD, and SANDRA LEE WOOD,
Defendants

CIVIL ACTION NO. 04-40207FDS

AFFIDAVIT OF ATTORNEYS' FEES

I, Joseph M. Hamilton, on oath do depose and state as follows:

1. I am an attorney with the law firm of Mirick, O'Connell, DeMallie & Lougee, LLP, 100 Front Street, Worcester, Massachusetts 01608-1477. I have been a member of the Massachusetts Bar in good standing since 1985. I represent the plaintiff, Ohio National Life Assurance Corporation.

2. Attached are copies of itemized, computer-generated statements prepared in the usual course of business which contemporaneously document the specific nature of legal services rendered in this case for the period of October 1, 2004 through February 4, 2005. These charges are based upon reasonable and customary hourly rates established by Mirick, O'Connell, DeMallie & Lougee, LLP for each attorney using the factors prescribed by the Massachusetts Supreme Judicial Court to be considered as guides in determining the reasonableness of fees for legal services. The billing statements also itemize costs and disbursements.

3. Fees from October 1, 2004 through February 4, 2005 total \$8,785.00. Expenses for that period total \$194.54.

4. The work performed in this matter included preparation of the complaint, along with accompanying materials including the corporate disclosure; locating the defendants and serving each of them with the complaint; numerous communications with the defendants and their counsel regarding the interpleader process; preparation of a motion to deposit the funds at issue in this case with the court; review of the responses to the complaint filed by the defendants; deposit of the funds with the court; and preparation of the motion for dismissal of Ohio National. In order to keep attorney's fees low, approximately two-thirds of the work performed was done by my associate, Kristina H. Allaire.

Signed under the pains and penalty of perjury this 8th day of February, 2005.

/s/ Joseph M. Hamilton

CERTIFICATE OF SERVICE

I, Joseph M. Hamilton, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to John Sousa, Esq., 285 Main Street, Worcester, MA 01608; Bobby L. Hazelton, Esq., Fletcher, Tilton & Whipple, PC, 370 Main Street, Worcester, MA 01608; Tricia Jean Murphy, 5 Trowbridge Circuit, Worcester, MA 01603; and Mark Ashley Wood, 117 Moreland Street, Worcester, MA 01609-1043.

/s/ Joseph M. Hamilton

Dated: February 8, 2005